

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA

Plaintiff,

v.

TOMAS HAILEMARIAM

Defendant.

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Case No. 2:22-cr-109

Judge Watson

**UNOPPOSED MOTION TO CONTINUE JURY TRIAL
AND MODIFY TRIAL SCHEDULING ORDER**

The Defendant in this case, by and through undersigned counsel, respectfully makes this motion to continue the Jury Trial Hearing in this matter. Counsel submits that a continuance of the trial schedule is consistent with the ends of justice and outweighs the interest of the public in a speedy trial and is otherwise consistent with the factors set forth in 18 U.S.C. §3161(h)(7)(B). The government does not oppose this motion. The reasons for the motion are more fully explained in the attached Memorandum in Support.

Respectfully submitted,

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MEMORANDUM IN SUPPORT

On May 9, 2022, a criminal complaint was filed against Defendant in this case for possession with intent to distribute a controlled substance in violation of 21 U.S.C. § 841(a)(1); possession of firearms by a convicted felon in violation of 18 U.S.C. § 922(g)(1) and 924(a)(2); and, possessing a firearm in furtherance of a drug trafficking crime in violation of 18 U.S.C. § 924(C).

On June 24, 2022, a federal grand jury returned an indictment charging Tomas Hailemariam with one (1) possession with intent to distribute a controlled substance in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(C)-(D); one (1) count felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1) and 924(a); and one (1) count possessing a firearm in furtherance of a drug trafficking crime in violation of 18 U.S.C. § 924(c)(1)(A)(i).

Pursuant to the Court's July 12, 2022 Order, a pretrial was scheduled for August 17, 2022, and a jury trial was scheduled for August 22, 2022. On July 28, 2022, the Court granted defendant's motion to continue these dates, and scheduled the final pretrial conference for November 30, 2022 and a jury trial for December 5, 2022. On November 21, 2022, the Court granted defendant's motion to continue these dates, and scheduled the final preconference for March 8, 2023 and a jury trial for March 13, 2023. Most recently, on February 21, 2023, the Court granted defendant's motion to continue and scheduled the final preconference for May 31, 2023 and a jury trial for June 5, 2023.

The parties have continued to negotiate to attempt a resolution short of trial. Mr. Hailemariam has been advised of his rights under the Speedy Trial Act, 18 U.S.C.

§2161, et seq, and has waived such rights. Further, he submits that the ends of justice served by granting this continuance request outweigh any interest in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). Additional time is necessary to afford counsel adequate time for effective preparation, taking into account the exercise of due diligence and pre-existing commitments. 18 U.S.C. § 3161(h)(7)(B)(iv).

In addition to continuing the pretrial and trial dates, it is also requested that the motions deadline be reset for 30 days with any replies due two weeks thereafter.

WHEREFORE, Mr. Hailemariam respectfully requests an Order continuing the trial schedule for 60 days.

Respectfully submitted,

/s/ Dustin M. Blake, Esq.
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CERTIFICATE OF SERVICE

I hereby certify a copy of the foregoing was electronically served upon the Assistant United States Attorney, United States Attorney's Office, 303 Marconi Blvd., Suite 200, Columbus, Ohio 43215, on February 17, 2023

/s/ Dustin M. Blake
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